

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:

FRANCIS RAYNER and	:
TERRI RAYNER	: Case No: 18 - 13052
Debtors,	:

DEBTOR'S MOTION FOR AUTHORIZATION TO MODIFY RESIDENTIAL MORTGAGE

The Debtors, Francis Rayner and Terri Rayner, by and through their undersigned Counsel, Michael T. Malarick, Esquire, moves this Honorable Court for approval of Debtor's pre-qualification for the Federal Housing Administration Home Affordable Modification Program Stand-Alone Loan Modification Trial Plan and in support thereof avers:

1. Debtors filed their voluntary petition under Chapter 13 on May 5, 2018. The Chapter 13 proceeding has been converted to a Chapter 7 via Notice to Convert filed on August 9, 2018.
2. During the course of the Chapter 13 proceeding, the Debtors began negotiating with their mortgage holder, MidFirst Bank (Midland Mortgage), for a loan modification as it relates to their homestead residence located at 136 Willowbrook Road, Clifton Heights, Pa 19018.
3. The Debtors were ultimately successful and were offered a pre-qualification for the Federal Housing Administration Home Affordable Modification Program (FHA HAMP) Stand Alone Loan Modification Trial Plan under terms and conditions that are agreeable to both the borrower and the lender. To finalize the transaction the lender is requiring the approval of this Honorable Court.

4. It is understood by all that the Debtors will be converting or has already converted the Chapter 13 to a Chapter 7 and that any Discharge entered by this Court will be in the form of a Chapter 7 Discharge. It is further understood that the approval of this Motion will not be in the form of a Reaffirmation Agreement and, should the Debtors default under the terms of the loan modification, MidFirst Bank's sole remedy will be to exercise its rights against the collateral.
5. The within modification is necessary in order to allow the debtors, husband and wife, to continue to reside in their residence. Continued living arrangements under the current condition is not feasible.
6. All preliminary steps to complete the modification have been provided for. Attached to this Motion is a copy of the HAMP Stand-Alone Loan Modification Trial Plan.

WHEREFORE, Debtors request this Honorable Court grant the within Motion for Authorization to Modify residential Mortgage.

August 9, 2018

Respectfully Submitted,



Michael T. Malarick, Esquire
Attorney for Debtors